

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ANDREA DORSEY,	:	
Petitioner,	:	Civ. No. 16-2294 (KM)
v.	:	
UNITED STATES OF AMERICA,	:	MEMORANDUM AND ORDER
Respondent.	:	

Petitioner is proceeding *pro se* with a motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. Previously, this Court ordered that petitioner show cause as to why her motion to vacate should not be dismissed due to untimeliness. Petitioner responded to this Order to Show Cause arguing that equitable tolling should be applied. In accordance with Rule 4(b) of the Rules Governing Section 2255 Proceedings, *see* 28 U.S.C. § 2255 Rule 4(b), the Court has screened the motion for dismissal and determined that dismissal without an answer and a reply is not warranted. This finding should not be construed as a finding that petitioner's motion to vacate is or is not timely. Rather, this determination only reflects this Court's judgment that a response from the respondent is warranted prior to this Court ruling on petitioner's motion to vacate.

Accordingly, IT IS this 2d day of September, 2016,

ORDERED that within forty-five (45) days of the date of the entry of this Order, the United States shall electronically file and serve an answer to the § 2255 motion (Dkt. No. 1); and it is further

ORDERED that the answer shall respond to the allegations and grounds of the motion and shall adhere to Rule 5 of the Rules Governing Section 2255 Proceedings; and it is further


ORDERED that the answer shall address the merits of each claim raised in the motion as well as whether the motion is timely and whether petitioner is entitled to equitable tolling; and it is further

ORDERED that the answer shall contain an index of exhibits; and it is further

ORDERED that if the answer refers to briefs or transcripts, orders, and other documents from prior proceedings, then the United States shall serve and file them with the answer; and it is further

ORDERED that petitioner may serve and file a reply to the answer within forty-five (45) days after the answer is filed; and it is further

ORDERED that the Clerk of Court shall serve this Order on petitioner by regular U.S. mail.



KEVIN MCNULTY
United States District Judge